IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 7831 of 1999

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Between:

Ravi Subba Rao, S/o. Satyanarayana Murthy,

R/o. Srungavarappadu, H/o. Kesavadesupalem

Sakhinetipalli Mandal, East Godavari District.

..... PETITIONER

AND

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1. The District Collector, East Godavari District at Kakinada.
2. The Land Acquisition Officer & Revenue Divisional Officer, Amalapuram, East Godavari District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing Notification Under Section 4 of the Land Acquisition Act vide Reference G3/1849/99 dated 16-3-1999 and the declaration issued under Section 6 of L.A.Act vide Reference G3/1849/99 dated 17-3-1999 relating to the land in Sy.No.125 admeasuring 1.10 cents of Srungavarappadu, hamlet of Kesavadesupalem Village, Sakhinatipally Mandal, East Godavari District as illegal and arbitrary and consequently set aside the same.

Counsel for the Petitioner: MR.D.SUDARSHAN REDDY

Counsel for Respondents: GP FOR REVENUE

The Court made the following ORDER:

The petitioner is a cultivating tenant of lands admeasuring Acs.1.10 in R.S.No.125 belonging to Sri Neelakanteswara Swamy Temple, Srungavarappadu Village, hamlet of Kesavadesupalem, Sakhinetipalli Mandal, East Godavari District. He alleges that he has raised Coconut garden in the said land. The first respondent issued notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') proposing to acquire the land in question for the purpose of providing house sites to weaker sections. Such notification was published in the Gazette on 16-3-1999 followed by a declaration made under Section 6(1) of the Act on 17-3-1999. The petitioner filed this writ petition assailing the said notification and the declaration.

It is contended that the acquisition of land in question where Coconut garden is raised, is illegal and arbitrary. Secondly, it is submitted that there is suitable alternative land available and as per the directions of the Government in G.O.Ms.No.456, dated 29-9-1998, when suitable Government lands are available, temple lands cannot be acquired.

This court admitted the writ petition on 13-4-1999 and passed orders in WPMP No.9709 of 1999 directing status quo for a period of three months. Thereafter, orders of status quo were extended on 5-7-1999. When the Government filed WVMP.No.3093 of 1999, this court by order dated 12-11-1999 vacated the interim order. Thereafter, there is no interim order operating against the Government in which event Section 11-A of the Act springs into action. The learned Government Pleader submits that the award has not so far been passed and therefore, in accordance with
Section 11-A of the Act the proceedings must be held to have been lapsed. It is, however, made clear that if the land is to be acquired by the respondents, they can do so after giving adequate compensation for the lands, whose land is sought to be acquired.

Insofar as the rights of the petitioner under A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987, (for short 'the Act') are concerned, Section 82 of the Act governs the situation. If the petitioner is so advised, he may approach the Assistant Commissioner under Rule 3 of the Andhra Pradesh

Charitable and Hindu Religious Institutions & Endowments Lease of Agricultural Lands Rules, 2003 for appropriate declaration.

The Writ Petition, with the above observations, is disposed of. No costs.

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V.V.S. RAO, J.

09th August, 2004

Js

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, East Godavari District at Kakinada.
2. The Land Acquisition Officer & Revenue Divisional Officer, Amalapuram, East Godavari District.
3. 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.(OUT)
4. 2 CD copies.